

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN DAROSA,

Plaintiff,

v.

LOWES HOME CENTERS, LLC DBA  
LOWES HOME IMPROVEMENT,

Defendant.

No. 2:23-cv-0123 WBS DB PS

ORDER

Plaintiff Jonathan Darosa is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On September 15, 2023, defendant filed a motion to dismiss, which is noticed for hearing before the undersigned on December 15, 2023, pursuant to Local Rule 302(c)(21). (ECF Nos. 21 & 25.) Pursuant to Local Rule 230(c) plaintiff was to file an opposition or a statement of non-opposition to defendant's motion not less "than fourteen (14) days after the motion was filed." Plaintiff, however, has failed to file a timely opposition or statement of non-opposition to the motion.

The failure of a party to comply with the Local Rules or any order of the court "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local Rule 110. Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil Procedure, the Local Rules, and

all applicable law. Local Rule 183(a). Failure to comply with applicable rules and law may be grounds for dismissal or any other sanction appropriate under the Local Rules. Id.

In light of plaintiff's pro se status, and in the interests of justice, the court will provide plaintiff with an opportunity to show good cause for plaintiff's conduct along with a final opportunity to oppose defendant's motion.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff show cause in writing within fourteen days of the date of this order as to why this case should not be dismissed for lack of prosecution;

2. The December 15, 2023 hearing of defendant's motion to dismiss (ECF No. 24) is continued to **Friday, January 19, 2024, at 10:00 a.m.**, at the United States District Court, 501 I Street, Sacramento, California, in Courtroom No. 27, before the undersigned;

3. On or before **January 5, 2024**, plaintiff shall file an opposition or statement of non-opposition to defendant's motion<sup>1</sup>;

4. On or before **January 12, 2024**, defendant may file a reply;

5. Plaintiff is cautioned that the failure to timely comply with this order may result in the recommendation that this case be dismissed; and

6. The Clerk of the Court shall serve a copy of this order on the plaintiff at the address on record as well as at the address below<sup>2</sup>:

Jonathan DaRosa  
X-3966623 SBF100015  
Rio Cosumnes Correctional Center  
12500 Bruceville Road  
Elk Grove, CA 95757

Dated: December 11, 2023

DLB:6  
DB/orders/orders.pro se/darosa0123.osc

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

<sup>2</sup> Defendant has advised the court that plaintiff may currently be incarcerated at the Rio Cosumnes Correctional Center. (ECF No. 24 at 5.)